

REMARKS

The following remarks are provided in response to the Office Action mailed March 18, 2005 in which the Examiner:

- rejected to claims 21-30 and 41-43 under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 5,984,880 to Lander et al. (hereinafter Lander) in view of U.S. Patent No. 6,278,441 to Gouzman et al. (hereinafter Gouzman).

The applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections.

New Claims

The applicants herein add new dependent claim 44 and affirm that they have the right to claim the invention as set forth in the new claim.

35 U.S.C. §103(a)

The Examiner rejected claims 21-40 under §103(a) as being unpatentable over Lander in view of Gouzman. For at least the following reasons the applicants traverse the Examiner's rejections.

A *prima facie* case of obviousness under 35 U.S.C. §103 requires, among other criteria, that “. . . the prior art reference (or references when combined) must teach or suggest **all** the claim limitations.” (emphasis added) (See M.P.E.P. 706.02(j) and 2143.03). To overcome a §103(a) rejection, the applicants must only demonstrate that the

cited prior art document or documents fail individually and in combination to teach or suggest one element or limitation present in the claim.

The salient portion of previously presented independent claim 21 recites:

... a first haptel to generate a signal in response to a stimulus;

Previously presented independent claims 26 and 41 recite a similar limitation. The Examiner notes that Lender does not specifically show that the first and second feedback devices include haptels (i.e., first and second haptels). The applicants agree. The Examiner, however, alleges that Gouzman shows a tactile interface system that includes a plurality of haptels (pins 214). The Examiner further alleges that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teachings of Gouzman to represent the body of the first and second feedback devices of Lender, so as motivated by Gouzman, to be able to maximize the interaction with the input device the visually impaired users. The applicants disagree that the combination would have been obvious.

The applicants first point out that “[i]f proposed modification would render the prior art invention being modified unsatisfactorily for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” (See M.P.E.P. 2143.01 citing In re Gordon, 221 U.S.P.Q. (BNA) 1125 (Fed. Cir. 1984). The applicants further point out that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” (emphasis in original) (See M.P.E.P. §2141.02 citing W. L. Gore & Associates, Inc. v. Garlock, Inc., 220 U.S.P.Q. (BNA) 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)).

The applicants assert that Lender teaches an invention for “monitoring and controlling movement of human limbs” and materials that “. . . can simulate organic material, as, for example, to simulate the texture and density of the skin and flesh of a human hand. Together these components can create realistic looking, operating, and feeling body parts.” (See column 1 line 61 bridging column 2 line 10 entitled “Summary of the Invention”). Further, Figures 1 and 2 illustrate a tongue and hand respectively, and more generally artificial limbs. Lender Column 14 lines 37-40 (in a section headed “Conclusions, Ramifications, and Scope”) indicate that “. . . it can be seen that aesthetically shaped, and more importantly Dermatologically compatible devices can be created, that include tactile functionality and interactivity.” Further in that section, Lender column 14 lines 55-59 recite that, “[f]or example, devices used extensively in the sex industry such as vibrators, masturbators, dildos, even whole dolls, etc., or devices used in the game industry such as joy-sticks illustrate best the variety of tactile interactive devices that can be used with this system.”

The Examiner alleges that a haptel as recited by claim 21 is taught by pin 214 of Gouzman. The applicants assert that the modification proposed by the Examiner, namely combining the invention of Lender as described above with a pin, would render the invention of Lender unsatisfactory for its intended purpose. More specifically, based on the express “best variety of tactile interactive devices” taught by Lender as noted above, the applicants affirm that the inclusion of a pin, for example in the Figure 1 tongue, the Figure 2 hand, or any of the recited sex industry devices, would interfere with the tactile functionality of the Lender invention that is meant to represent realistic looking, operating, and feeling body parts.

The applicants therefore assert that previously presented independent claims 21, 26, and 41 recite at least an element not taught by Lender and that it was improper for the Examiner to combine Lender and Gouzman. Accordingly, the applicants affirm that previously presented independent claims 21, 26, and 41 are patentable over Lender in view of Gouzman. As dependent claims 22-25, 27-30, and 42-44 depend from nonobvious independent claims, the dependent claims are also nonobvious. (See M.P.E.P. §2143.03 (citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988))).


CONCLUSION

For at least the foregoing reasons, the applicants submit that they have overcome the Examiner's rejection and that they have the right to claim the invention as set forth in the listed claims.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Dated



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